

# U.S. Fish and Wildlife Service



# Objectives

- USFWS: Who we are and what we do
- Endangered Species Act
  - Purpose
  - Definitions
  - Administration
    - Listing
    - Recovery
    - Consultation





# U.S. Fish and Wildlife Service

- Department of Interior
- Ecological Services Field Office



# Regional Boundaries



U.S. Fish & Wildlife Service Regions

# Our Mission

- Working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people



# Division of Ecological Services

## ■ Programs

- Endangered Species
- Environmental Contaminants
- Habitat Conservation
- Outreach and Education
- Invasive Species

# Endangered Species Act



# Endangered Species Act

- Signed in 1973
- Amended in 1988
- Environmental review can often be streamlined by combining ESA and NEPA documents



# Purposes

- Provide a means whereby ecosystems of Threatened and Endangered species may be conserved
- Provide a program for the conservation of Threatened and Endangered species

# Definitions

## *Endangered*

- Any species in danger of extinction throughout all or a significant portion of its range

## *Threatened*

- Any species likely to become endangered in the foreseeable future in all or a significant portion of its range

# Endangered Species in Ohio

- Indiana bat
- Piping plover
- Scioto madtom
- Purple cat's paw pearly mussel
- White cat's paw pearly mussel
- Northern riffleshell
- Clubshell
- Fanshell
- Pink mucket pearly mussel
- American burying beetle
- Karner blue butterfly
- Mitchell's satyr butterfly
- Running buffalo clover



# Threatened Species in Ohio

- Bald eagle (proposed for delisting)
- Lakeside daisy
- Northern monkshood
- Eastern prairie fringed orchid
- Virginia spiraea
- Small whorled pogonia
- Lake Erie Watersnake
- Copperbelly watersnake



# Entities Eligible for Listing

- Species
- Subspecies (including plant varieties)
- Distinct population segments of vertebrates



# Conservation

- The use of all methods and procedures which are necessary to bring any Endangered or Threatened species to the point at which the measures provided pursuant to the ESA are no longer necessary.

*Conservation = Recovery*



# Candidate Species

- Species for which the Service has substantial information to support proposal to list but listing is precluded by other higher priority listing activities
- Effective candidate conservation may reverse the species' decline, ultimately eliminating the need for ESA protection



# Candidate Species in Ohio

- Eastern Massasauga
- Rayed Bean
- Sheepnose





# Critical Habitat

- *Area that:*

- Contains the physical and biological features essential to the conservation of a species
- May require special management considerations or protection
- May include areas not currently occupied
- Designated in 50 CFR Part 17 or 226



# Recovery

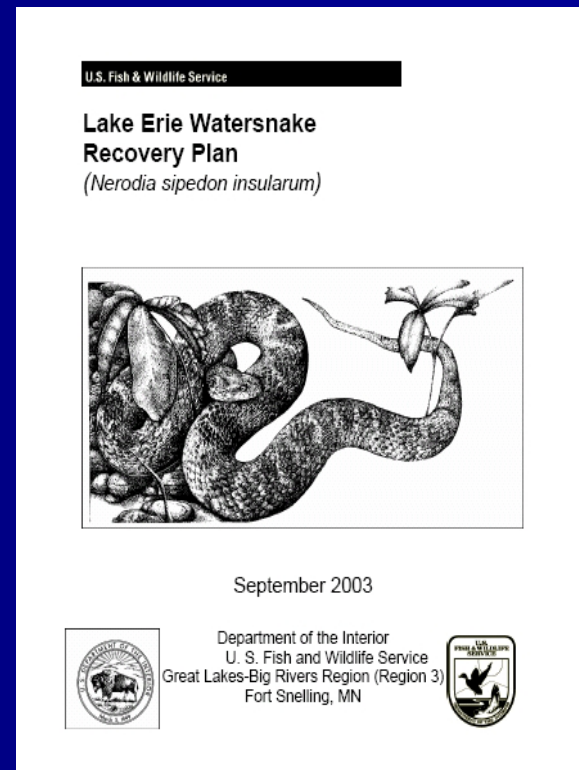
- Process by which ecosystems are restored and can support self-sustaining and self-regulating population of listed species
- *Ultimate goal:* Recover species sufficiently so that ESA protection is no longer necessary

*Recovery = Conservation*



# Recovery Plan

- Every listed species is required to have a recovery plan
- Identifies method to recover species
- Identifies goals that must be achieved for recovery to be complete
- Identifies cost and timeframe for recovery



# Section 9

- Prohibits the “take” of Endangered species by any person within the United States or the Territorial seas of the United States
- Federal regulation (50 CFR 17.31) extends the take prohibition to federally-listed Threatened species

# Take

- For federally-listed *wildlife* (ESA Section 3)
  - Defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct”

“Take” is to  
the individual.



# Harm

- “Significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering”





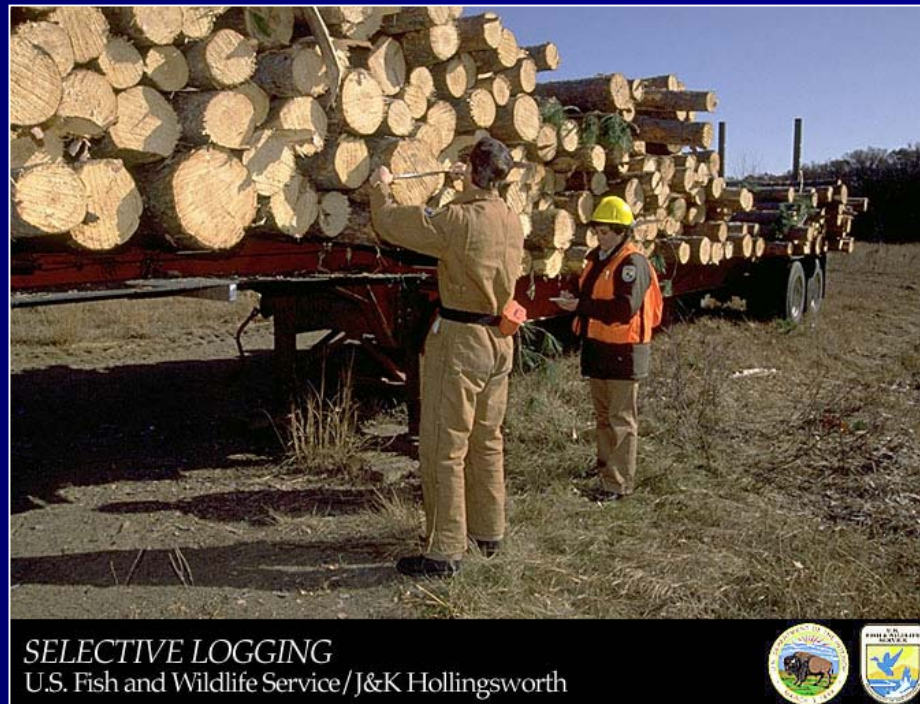
# Take

- For federally-listed *plants*
  - to remove and reduce to possession from or maliciously damage or destroy on areas under Federal jurisdiction
  - Illegal to import, export, or engage in interstate for foreign commerce



# Incidental Take

- “Take” resulting from, but not the purpose of, an otherwise lawful activity





# Section 7 of the ESA

- Directs Federal agencies to use their authorities to conserve listed species and, in consultation with the Service, ensure that their actions do not jeopardize the continued existence of any listed species or destroy or adversely modify CH
- Applies to management of Federal lands as well as other Federal actions that may affect listed species, such as Federal approval of private activities through the issuance of Federal permits, licenses, or other actions.

# Section 7(a)(1)

- Federal agencies shall carry out programs for the conservation of listed Threatened and Endangered species

*Conservation = Recovery*



# Section 7(a)(2)

- Federal agencies must ensure that their actions are not likely to jeopardize the continued existence of Threatened and Endangered species or destroy or adversely modify Critical Habitat



# Jeopardy

- “Jeopardize the continued existence of” means to engage in an action that is reasonably expected to reduce appreciably the likelihood of survival and recovery of a listed species



# Destroy or Adversely Modify Critical Habitat

- A direct or indirect alteration of physical or biological features (by a Federal action) that diminishes the value of Critical Habitat for both the survival and recovery of a listed species



# Consultation

- Under Section 7 of the ESA:
  - Federal agencies must consult with the USFWS on all discretionary Federal actions that may affect a listed species or Critical Habitat
- A *Federal action* is any action that a Federal agency authorizes, funds, or carries out



# Effects Determination

- *No Effect* - The appropriate conclusion when the action agency determines its proposed action will not affect listed species or Critical Habitat
- *May Affect* – The appropriate conclusion when the proposed action will have any effect on listed species or Critical Habitat. Affects may be direct, indirect, and/or beneficial

# When Is Consultation Required?

- “No Effect” on any listed species or Critical Habitat, consultation is not required
- “May Affect” a listed species or Critical Habitat, consultation is required





# Types of Consultation

- *Informal Consultation:* Action “may affect” but is “not likely to adversely affect” listed species or CH
  - Effects are discountable, insignificant or beneficial
  - “Take” will not occur
- *Formal Consultation:* Action “may affect” and is “likely to adversely affect” listed species or CH
  - Direct and/or indirect effects will result in incidental “take”